

3 waterfowl and for the development, restoration, maintenance or pres-
 4 ervation of wetlands, except for that part which is specified by the
 5 commission for use in paying administrative expenses as provided in
 6 section one hundred seven point seventeen (107.17) of the Code.

7 The commission may enter into contracts with nonprofit organiza-
 8 tions for the use of one-half of such funds outside the United States
 9 if the commission finds that such contracts are necessary for carrying
 10 out the purposes of this Act.

1 SEC. 5. Before approving and allocating funds for a proposed
 2 project to be undertaken outside this state or outside the United
 3 States, the commission shall obtain evidence that the project is ac-
 4 ceptable to the government agency having jurisdiction over the lands
 5 and waters affected by the project.

Approved March 23, 1972.

CHAPTER 1039

BEER AND LIQUOR CONTROL

H. F. 1133

AN ACT making corrective amendments to the "Iowa beer and liquor control Act" by defining the phrase "intoxicating liquor"; changing the term of office of council members; allowing certain special permit holders to buy alcohol direct from distiller or wholesaler; amending the qualifications for the holding of certain special liquor permits; defining the authority of local issuing bodies upon initial issuance of liquor licenses and retail beer permits; changing the license fees for hotels and motels located outside corporate limits of cities and towns; correcting the omission of the words "and tax" in provisions relating to air common carriers; providing that certain refund provisions apply to all classes of retail beer permittees; providing notification of the transfer of location of the licensed premises for the retail sale of beer and liquor to the department and establishing a transfer fee by regulation; redefining areas in which retail licenses and permits may be granted; redefining the term "grocery store"; eliminating a conflict in population factors; making uniform the time a penalty of license suspension might last for all classes of beer permit holders and the holders of certificates of compliance by brewers and importers of malt beverages; and, by providing that books of accounts and records of beer permittees shall be open to inspection by the enforcement division of beer and liquor department of public safety during normal business hours.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred thirty-one (131), section three
 2 (3), subsection eight (8), Acts of the Sixty-fourth General Assembly,
 3 First Session, is amended to read as follows:

4 8. "Alcoholic liquor" ~~or~~, "alcoholic beverage" or "intoxicating
 5 liquor" includes the three varieties of liquor defined in subsections five
 6 (5), six (6), and seven (7) of this section, except beer as defined in
 7 subsection nine (9) of this section but including all beverages made
 8 as described in such subsection which contain more than four percent
 9 of alcohol by weight, and every liquid or solid, patented or not, con-
 10 taining alcohol, spirits, or wine, and susceptible of being consumed
 11 by a human being, for beverage purposes.

1 SEC. 2. Chapter one hundred thirty-one (131), section six (6),
 2 Acts of the Sixty-fourth General Assembly, First Session, is amended
 3 to read as follows:

4 Sec. 6. **Appointment — term — qualifications — compensation.** The
 5 governor shall appoint the initial members of the council for respec-
 6 tive terms of ~~one, two, three, four, and five~~ *one and one-half, two and*
 7 *one-half, three and one-half, four and one-half, and five and one-half*
 8 years, all of which shall commence January 1, 1972. Appointments
 9 thereafter shall be for five years and shall be made by the governor,
 10 subject to confirmation by two-thirds of the senate, within sixty days
 11 after the convening of the general assembly each year for the member
 12 whose term is to expire on the following July 1. Members of the coun-
 13 cil shall be chosen on the basis of managerial ability and experience as
 14 business executives. Members may be reappointed for one additional
 15 term. Each member appointed shall receive full compensation for
 16 their services of two thousand five hundred dollars per annum in addi-
 17 tion to reasonable and necessary expenses while attending meetings.

1 SEC. 3. Chapter one hundred thirty-one (131), section twenty-
 2 nine (29), subsections one (1) and two (2), Acts of the Sixty-fourth
 3 General Assembly, First Session, are amended to read as follows:

4 1. To a physician, pharmacist, dentist, or veterinarian, entitling the
 5 holder to purchase ~~liquor~~ *and import alcohol from distillers and whole-*
 6 *salers or from the state liquor stores for use medicinally and in com-*
 7 *ounding prescriptions and to sell the same for use medicinally in the*
 8 *compounded prescription only upon the prescription of a licensed phy-*
 9 *sician or surgeon, or to use such liquor alcohol in manufacturing or*
 10 *compounding lotions, compounds, and like commodities not susceptible*
 11 *for beverage purposes, and to sell the same for public use.*

12 2. To a soldiers home, sanitarium, hospital, college, or home for the
 13 aged which will entitle the holder to purchase ~~liquor~~ *and import alcohol*
 14 *from distillers and wholesalers or from the state liquor stores for use*
 15 *for medicinal, laboratory, and scientific purposes only.*

1 SEC. 4. Chapter one hundred thirty-one (131), section twenty-nine
 2 (29), subsection four (4), paragraph "c", Acts of the Sixty-fourth
 3 General Assembly, First Session, is amended to read as follows:

4 c. That *neither* the applicant, if he is an individual, ~~or~~ *nor* any mem-
 5 bers of the firm or officers of the corporation, if the applicant is not
 6 an individual, has been convicted of any violation of the laws of this
 7 state with reference to the sale of alcoholic liquors *or beer* within the
 8 three years preceding the date of the affidavit.

1 SEC. 5. Chapter one hundred thirty-one (131), section thirty-two
 2 (32), subsection two (2), Acts of the Sixty-fourth General Assembly,
 3 First Session, is amended to read as follows:

4 2. Action by local authorities. The local authority shall either
 5 approve or disapprove the issuance of a liquor control license or retail
 6 beer permit, and shall endorse such approval or disapproval on the
 7 application and forward same along with the required fee and bond to
 8 the department. ~~The~~ *Upon the initial issuance of a liquor control*
 9 *license or retail beer permit, the fact that the local authority deter-*
 10 *mines that no liquor control license or retail beer permit shall be*
 11 *issued shall not be held to be arbitrary, capricious, or without reason-*
 12 *able cause. There shall be no limit upon the number of liquor control*

13 licenses or retail beer permits which may be approved for issuance
14 by local authorities.

1 SEC. 6. Chapter one hundred thirty-one (131), section thirty-six
2 (36), subsection three (3), paragraph "d", Acts of the Sixty-fourth
3 General Assembly, First Session, is amended to read as follows:

4 d. Hotels and motels located outside the corporate limits of any
5 city or town, ~~one thousand three hundred dollars~~ *a sum equal to that*
6 *charged in the incorporated city or town located nearest the premises*
7 *to be licensed, and in case there is doubt as to which of two or more*
8 *differing corporate limits is the nearest, the license fee which is the*
9 *largest shall prevail.*

1 SEC. 7. Chapter one hundred thirty-one (131), section thirty-six
2 (36), subsection five (5), paragraph "c", Acts of the Sixty-fourth
3 General Assembly, First Session, is amended to read as follows:

4 c. For air common carriers, each company shall pay a base annual
5 fee of five hundred dollars and, in addition, shall quarterly remit to
6 the department an amount equal to seven dollars for each gallon of
7 alcoholic liquor sold, given away, or dispensed in or over this state
8 during the preceding calendar quarter. The class "D" license fee *and*
9 *tax* for air common carriers shall be in lieu of any other fee or tax
10 collected from such carriers in this state for the possession and sale
11 of alcoholic liquor and beer.

1 SEC. 8. Chapter one hundred thirty-one (131), section thirty-
2 eight (38), unnumbered paragraphs two (2) and three (3), Acts
3 of the Sixty-fourth General Assembly, First Session, is amended to
4 read as follows:

5 Any such licensee or permittee, or his executor, administrator, or
6 any person duly appointed by the court to take charge of and admin-
7 ister the property or assets of the licensee or permittee for the bene-
8 fit of his creditors, may voluntarily surrender such license or permit
9 to the department and when so surrendered the department shall
10 notify the local authority, and the department and such local author-
11 ity, or the local authority by itself in the case of a class "~~B~~" retail
12 beer permit, shall refund to the person so surrendering the license
13 or permit a proportionate amount of the fee paid for such license or
14 permit as follows: If surrendered during the first three months of
15 the period for which said license or permit was issued the refund shall
16 be three-fourths of the amount of the fee; if surrendered more than
17 three months but not more than six months after issuance the refund
18 shall be one-half of the amount of the fee; if surrendered more than
19 six months but not more than nine months after issuance the refund
20 shall be one-fourth of the amount of the fee. No refund shall be
21 made, however, for any special liquor permit, nor for a liquor con-
22 trol license or beer permit surrendered more than nine months after
23 issuance. No refund shall be made to any licensee or permittee, upon
24 the surrender of his license or permit, if there is at the time of said
25 surrender a complaint filed with the department or local authority,
26 charging him with a violation of the provisions of this Act. If upon
27 hearing on any such complaint the license or permit is not revoked
28 or suspended, then the licensee or permittee shall be eligible, upon
29 surrender of his license or permit, to receive a refund as herein pro-

30 vided. But if his license or permit is revoked or suspended upon such
31 hearing he shall not be eligible for the refund of any portion of his
32 license or permit fee.

33 The local authority may in its discretion authorize a licensee or
34 permittee to transfer the license or permit from one location to
35 another within the same incorporated city or town, or within a county
36 outside the corporate limits of a city or town, provided that the
37 premises to which the transfer is to be made would have been eligible
38 for a license or permit in the first instance and such transfer will not
39 result in the violation of any law. *All transfers authorized, and the*
40 *particulars of same, shall be reported to the director by the local*
41 *authority. The director may by rule establish a uniform transfer fee*
42 *to be assessed by all local authorities upon licensees or permittees to*
43 *cover the administrative costs of such transfers, such fee to be re-*
44 *tained by the local authority involved.*

1 SEC. 9. Chapter one hundred thirty-one (131), section one hun-
2 dred twenty-eight (128), subsection one (1), paragraph "b", Acts of
3 the Sixty-fourth General Assembly, First Session, is amended to read
4 as follows:

5 b. That the premises for which the permit is sought is and will
6 continue to be equipped with sufficient tables and seats to accommodate
7 twenty-five persons at one time, and is ~~located within a business~~
8 ~~district or an area now or hereafter zoned as a business district, in~~
9 ~~areas where such business is permitted by any valid zoning ordinance~~
10 ~~or will be so permitted on the effective date of the permit.~~

1 SEC. 10. Chapter one hundred thirty-one (131), section one hun-
2 dred twenty-nine (129), unnumbered paragraph two (2), Acts of the
3 Sixty-fourth General Assembly, First Session, is amended to read as
4 follows:

5 "Grocery store" means any retail establishment, the ~~principal~~ busi-
6 ness of which consists of the sale of food, ~~or~~ food products ~~or~~ *bever-*
7 *ages* for consumption off the premises.

1 SEC. 11. Chapter one hundred thirty-one (131), section one hun-
2 dred thirty-four (134), subsection two (2), paragraphs "a" and "b",
3 Acts of the Sixty-fourth General Assembly, First Session, is amended
4 to read as follows:

5 a. For premises located within the corporate limits of cities with a
6 population of ~~over~~ ten thousand *and over*, three hundred dollars.

7 b. For premises located within the corporate limits of cities or
8 towns *with a population of over at least* fifteen hundred but less than
9 ten thousand, two hundred dollars.

1 SEC. 12. Chapter one hundred thirty-one (131), section one hun-
2 dred thirty-five (135), subsection five (5), Acts of the Sixty-fourth
3 General Assembly, First Session, is amended to read as follows:

4 5. Notwithstanding any other penalties provided by this Act, any
5 holder of a certificate of compliance or any class "A" permit holder
6 who shall violate any of the provisions of this section shall be subject
7 to a fine not to exceed one thousand dollars or suspension of his cer-
8 tificate or permit for a period not to exceed ~~sixty days~~ *one year* or both
9 such fine and suspension.

1 SEC. 13. Chapter one hundred thirty-one (131), section one hun-
 2 dred thirty-eight (138), Acts of the Sixty-fourth General Assembly,
 3 First Session, is amended to read as follows:

4 Sec. 138. **Books of account required.** Each class "A" permittee
 5 shall keep proper books of account and records showing the amount
 6 of beer sold by him, which books of account shall be at all times open
 7 to inspection by the director. Each class "B" and class "C" permittee
 8 shall keep proper books of account and records showing each purchase
 9 of beer made by him, and the date and the amount of each purchase
 10 and the name of the person from whom each purchase was made,
 11 which books of account and records shall be ~~at all times~~ open to in-
 12 spection by the director *and agents of the division of beer and liquor*
 13 *law enforcement of the department of public safety during normal*
 14 *business hours of the permittee.*

1 SEC. 14. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Belle-
 3 vue Herald-Leader, a newspaper published in Bellevue, Iowa, and in
 4 Lee Town News, a newspaper published in Des Moines, Iowa.

Approved April 21, 1972.

I hereby certify that the foregoing Act, House File 1133, was published in The Belle-
 vue Herald-Leader, Bellevue, Iowa, May 4, 1972, and in the Lee Town News, Des Moines,
 Iowa, May 4, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1040

ALCOHOLIC BEVERAGES ON SCHOOL PROPERTY

H. F. 1127

AN ACT relating to a penalty for the possession or consumption of alcoholic liquors or
 beer on public school property or while attending school-related functions.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred thirty-one (131), section forty-
 2 six (46), Acts of the Sixty-fourth General Assembly, First Session, is
 3 amended to read as follows:

4 Sec. 46. **Consumption in public places—intoxication.** It is unlaw-
 5 ful for any person to use or consume alcoholic liquors or beer upon
 6 the public streets or highways, or alcoholic liquors in any public
 7 place, except premises covered by a liquor control license, *or to*
 8 *possess or consume alcoholic liquors or beer on any public school*
 9 *property or while attending any public or private school related*
 10 *functions, and no person shall be intoxicated nor simulate intoxi-*
 11 *cation in a public place. As used in this section "school" means a*
 12 *school or that portion thereof, which provides teaching for any grade*
 13 *from kindergarten through grade twelve. Any person violating any*
 14 *provisions of this section shall be fined not to exceed one hundred*
 15 *dollars or sentenced not to exceed thirty days in the county jail.*

1 SEC. 2. Section two hundred seventy-nine point nine (279.9), Code
 2 1971, as amended by chapter one hundred forty-nine (149), section ten